



2017 - 2018
**STATE
LEGISLATIVE
AGENDA**



2017 – 2018 STATE LEGISLATIVE AGENDA

MAYOR

Jennifer W. Roberts

MAYOR PRO TEM

Vi Lyles

CITY COUNCIL

Dimple Ajmera

Al Austin

Ed Driggs

Julie Eiselt

Claire Fallon

Patsy Kinsey

LaWana Mayfield

James Mitchell

Greg Phipps

Kenny Smith



2017 – 2018 STATE LEGISLATIVE AGENDA

Citizens Review Board

- Engage in discussions with the General Assembly and stakeholders concerning the granting of subpoena powers for the Citizens Review Board

Police Recordings

- Engage in discussions with the General Assembly and stakeholders concerning possible adjustments to the police recordings law

Strategic Transportation Investments

- Continue working with the General Assembly and Administration in support of the data-driven Strategic Transportation Investments program for prioritization of transportation funding

Sales Tax Redistribution

- Continue working with the General Assembly and Administration to safeguard local sales tax and other local revenues, and in support of policy initiatives that address the underlying development issues faced by regions throughout the State

Charlotte Firefighters' Retirement System

- Work with the General Assembly to secure a technical amendment to the Charlotte Firefighters' Retirement System Act that is required by the Internal Revenue Service



CHARLOTTE

2017-2018 State Legislative Agenda

Category:	Public Safety
Issue:	Citizens Review Board
Position:	Engage in discussions with the General Assembly and stakeholders concerning the granting of subpoena powers for the Citizens Review Board
Staff Resources:	Kerr Putney, Charlotte-Mecklenburg Police, 704.336.6969

Background and History: The Citizens Review Board is an advisory body that was created by the Charlotte City Council in 1997 in response to community concerns raised following the shooting death of a motorist in November of 1996. The Board's purpose is to hear appeals filed by the citizens who filed complaints of disciplinary dispositions imposed by the Chief of Police (Chief) of Charlotte-Mecklenburg Police Department (CMPD) relating to allegations of misconduct against a sworn police officer, which include alleged violations of the following rules: use of force, unbecoming conduct, arrest, search and seizure, discharge of a weapon causing death or injury, and arbitrary profiling. In its review, the Board reviews materials submitted by CMPD and hears separately from the complainant and CMPD. A full hearing is held only upon a determination that the disposition by the Chief was based on a substantial evidence of error. At the full hearing, the Board receives evidence and issues findings of facts and recommendations and makes a determination as to whether, by the greater weight of the evidence, the Chief clearly erred in the disposition. The Board then submits its findings of facts and recommendations to the Chief. The Chief then reviews the Board's findings of facts and makes a final decision as to the disposition of the complaint, which is reviewed and approved by the City Manager. The Board is then notified of the final decision taken by the Chief, which marks the end of involvement of the Board in such cases. If the final decision of the Chief results in the law enforcement officer facing suspension without pay or termination of employment, the case is then referred to the Civil Service Board.

Current Need/Problem (including potential allies or detractors): The hearing process before the Citizens Review Board provides the opportunity for the complainant and CMPD to present their cases to the Board, which can be corroborated by witnesses. The value of eyewitness testimony to the Board being able to render findings of facts and recommendations to the Chief cannot be understated. However, eyewitnesses identified by the complainant or CMPD are not required to testify as the Board does not have the authority to compel their testimony through the issuance of subpoenas. Many of the witnesses identified by CMPD who could corroborate the Chief's disposition oftentimes do not show up for the hearings. The inability to compel eyewitness testimony may result in situations where the Board cannot make a firm determination as to whether the Chief erred in arriving at the disposition.

Impact if Addressed/Adopted: The City is ready to engage in discussions with the General Assembly and stakeholders around the granting of subpoena powers for the Charlotte Citizens Review Board.



2017-2018 State Legislative Agenda

Category:	Public Safety
Issue:	Police Recordings
Position:	Engage in discussions with the General Assembly and stakeholders concerning possible adjustments to the police recordings law
Staff Resources:	Kerr Putney, Charlotte-Mecklenburg Police, 704.336.6969

Background and History: The 2016 General Assembly passed and the Governor signed into law legislation (House Bill 972) that creates new rules for access to law enforcement recordings, including those from body-worn and dashboard cameras. Prior to enactment of House Bill 972, the status of the recordings created by these and other devices under the State's public records law had been unclear. Legislators developed a framework that provides a limited right of access only to individuals whose image or voice is depicted in the recordings or their personal representatives, and places with the courts the primary responsibility for allowing disclosure or release of recordings to the public. House Bill 972 was passed with the understanding that some adjustments might subsequently need to be made to the law as a result of application under actual circumstances.

Current Need/Problem (including potential allies or detractors): Since the enactment of House Bill 972, local circumstances have highlighted the need for a potential adjustment to House Bill 972. Prior to the effective date of House Bill 972, chief law enforcement officers possessed the discretion to disclose or release police recordings. In particular, chief law enforcement officers exercised this discretion by allowing local governing bodies to view recordings of police interactions with the public where the governing body was a party to civil litigation resulting from that interaction. The ability to allow the governing body to view the recordings in the context of civil litigation was helpful in developing a strategy to deal with that litigation. House Bill 972, on the other hand, does not appear to provide this type of discretion to the chief law enforcement officer.

Impact if Addressed/Adopted: The City is ready to engage in discussions with the General Assembly and stakeholders around this issue and other possible adjustments to the police recordings law.



2017-2018 State Legislative Agenda

Category:	Infrastructure
Issue:	Strategic Transportation Investments
Position:	Continue working with the General Assembly and Administration in support of the data-driven Strategic Transportation Investments program for prioritization of transportation funding
Staff Resources:	Danny Pleasant, Transportation, 704.336.3879 Phil Reiger, Transportation, 704.336.4896

Background and History: The Strategic Transportation Investments program was enacted in 2013 (HB 817 – W. Brawley) and requires that all transportation capital expenditures funded from the Highway Trust Fund, regardless of mode, to be prioritized by a data-driven formula. The formula measures quantitative criteria for each project such as benefit cost, congestion, safety, economic competitiveness, freight, multimodal, pavement condition, lane width, shoulder width, and accessibility and connectivity to employment centers in three different tiers of projects including statewide mobility, regional impact, and division needs. The program is considered already to be more successful than the previous program, known as the “Equity Formula”, as projects are being chosen through a data-driven process that emphasizes the quantitative criteria, including the reduction of congestion, rather than political considerations. In Mecklenburg County, for instance, projects that had been delayed for lack of funding under the Equity Formula are now funded and scheduled for completion over the next several years under the Strategic Transportation Investments program.

Current Need/Problem (including potential allies or detractors): Rural areas of the State are advocating for changes in the Strategic Transportation Investments program to reduce the reliance upon congestion as a factor in choosing transportation projects. These parts of the State do not experience the congestion faced by urban areas such as Mecklenburg, Wake, Durham, Guilford and Forsyth Counties.

Impact if Addressed/Adopted: If the General Assembly reduces the reliance on congestion to distribute transportation funding, then it will undermine the purpose of having a data-driven transportation program that utilizes quantitative criteria and potentially imperil the completion of projects in our region including the widening of I-77, I-485, US 74, and other projects in urban areas.



2017-2018 State Legislative Agenda

Category:	Administrative & Fiscal
Issue:	Sales Tax Redistribution
Position:	Continue working with the General Assembly and Administration to safeguard local sales tax and other local revenues, and in support of policy initiatives that address the underlying development issues faced by regions throughout the State
Staff Resources:	Randy Harrington, Management & Financial Services, 704.336.5013

Background and History: The General Assembly has attempted to address rural and urban inequities through legislative means since 1983, when it started to experiment with allocating portions of North Carolina local government sales tax revenues through alternative methods other than the traditional point of delivery basis. The alternative methods include per capita distribution, adjustment factors and percentage shares. Legislative leaders pursued such alternative methods due to the perception that inequities between local communities were exacerbated when residents from rural communities shopped for goods and services in urban communities, especially when point of delivery allocation methods were utilized to distribute local sales tax revenues. The alternative methods are referred to as Sales Tax Redistribution. For FY 2017, it is estimated that approximately \$45 million of local sales tax revenues generated in Mecklenburg County will be redistributed statewide using these alternative methods.

Current Need/Problem (including potential allies or detractors): Leadership in the General Assembly has communicated that additional Sales Tax Redistribution measures will be brought forward in the 2017 “long” session, even though the State has mixed experience with the alternative methods. In order to develop policies that would address rural and urban inequities, legislation was filed in the 2016 “short” session to address the underlying development issues in rural areas. The legislation included Economic Development Changes & Study (HB 1029 – S. Martin / SB 810 – Brown), Eliminate Use of Development Tiers (HB 1082 – Davis / SB 844 – Hise), and Prosperity & Economic Opportunity for All NC Act (HB 1090- S. Martin / SB 826 – Gunn). A recent report from the North Carolina Chamber of Commerce, *Spreading Economic Opportunity Across North Carolina* recommended a number of strategies to address rural development issues, none of which called for implementing additional local sales tax redistribution mechanisms.

Impact if Addressed/Adopted: If the General Assembly seeks to address the underlying development issues of rural areas, then the legislation filed in the 2016 “short” session and recommendations made by the North Carolina Chamber of Commerce would be a better starting point in the search for policies that begin to transform the economies of rural areas.



2017-2018 State Legislative Agenda

Category:	Administrative & Fiscal
Issue:	Charlotte Firefighters' Retirement System (Local)
Position:	Work with the General Assembly and Administration to secure a technical amendment to the Charlotte Firefighters' Retirement System Act that is required by the Internal Revenue Service
Staff Resources:	Sandy Thiry, Firefighters' Retirement System, 704.626.2728

Background and History: The Charlotte Firefighters' Retirement System was established in 1947 pursuant to Chapter 926 of the 1947 Session Laws of North Carolina. The System is a defined benefit pension system for which the City is the plan sponsor. The System is a separate legal entity from the City and is governed by an eleven member Board of Trustees. Of the eleven Trustees, four are appointed by the Superior Court of Mecklenburg County, three are elected by the members of the System, one is elected by the retirees of the System, and three are City officials who serve by virtue of their position – City Manager, Finance Director and City Treasurer. The General Assembly has amended the Act periodically in order to maintain conformance with federal or State laws, Internal Revenue Service regulations, and court decisions. In this instance, the Internal Revenue Service has required and approved the precise proposed changes to the System to maintain current status and avoid tax implications.

Current Need/Problem (including potential allies or detractors): The Board of Trustees of the Charlotte Firefighters' Retirement System voted to enter into a Voluntary Correction Program with the Internal Revenue Service to correct an unintended scrivener's error in the definition of "Final Average Salary" that was made in 2001. The effect of the unintended scrivener's error is that it did not accurately reflect the intended manner in which a retiree's "Final Average Salary" had been computed for many years and has continued to be computed. In order to correct errors of this type, the Internal Revenue Service works with retirement systems on the corrective actions needed so that the systems can maintain their status as qualified pension plans. The System presented the proposed amendment to the Internal Revenue Service for their approval, which was accepted. According to the Internal Revenue Service, the System will maintain its status as a qualified pension plan so long as the General Assembly enacts the amendment in the 2017 "long" session. If the amendment is not timely adopted and the System loses its status as a qualified pension plan, then the plan would lose its tax-exempt status which presents important tax implications to employees, the employer and the retirement system. The amendment, according to the System's actuary, would not have any impact on the cost of the retirement system.

Impact if Addressed/Adopted: If the General Assembly makes the necessary, no-cost changes to the System prior to the end of the 2017 "long" session, then the System will maintain its status as a qualified pension plan under the Internal Revenue Code.



Cavanaugh Macdonald

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October 18, 2016

Ms. Sandra Thiry
Administrator
Charlotte Firefighters' Retirement System
Charlotte National Building
428 East Fourth Street, Suite 205
Charlotte, NC 28202

Proposed Amendment

Dear Sandy:

As requested, we have reviewed a Proposed Amendment to the Charlotte Firefighters' Retirement System. This amendment changes the definition of "Final Average Salary" to correct an amendment made to the Plan effective July 1, 2001, that did not accurately reflect the way the Plan had been, and has continued to be administered. This amendment would not have any impact on the cost of the Retirement System.

Please let us know if you have any questions or need any additional information.

Sincerely,

Todd B. Green, ASA, FCA, MAAA
Principal and Consulting Actuary

Cathy Turcot
Principal and Managing Director

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**2017 REGULAR SESSION OF THE NC GENERAL ASSEMBLY
MECKLENBURG STATE DELEGATION**

NC Senate

37th Senate District

Jeff Jackson (D)

Jeff.Jackson@ncleg.net

[General Assembly Webpage](#)

Legislative Assistant: Dylan Arant

Raleigh Address:

1104 Legislative Building

16 W. Jones Street

Raleigh, NC 27601-2808

(919) 715-8331

Local Address:

P.O. Box 18515

Charlotte, NC 28218

(704) 942-0118



38th Senate District

Joel D. M. Ford (D)

Joel.Ford@ncleg.net

[General Assembly Webpage](#)

Legislative Assistant: Jackie Ray

Raleigh Address:

520 Legislative Office Building

300 N. Salisbury Street

Raleigh, NC 27603-5925

(919) 733-5955

Local Address:

PO Box 36391

Charlotte NC 28236

(919) 733-5955



39th Senate District

Dan Bishop (R)

Dan.Bishop@ncleg.net

[General Assembly Webpage](#)

Legislative Assistant: David Larson

Raleigh Address:

2108 Legislative Building

16 W. Jones Street

Raleigh, NC 27601-2808

(919) 733-5655

Local Address:

2216 Whilden Court

Charlotte, NC 28211

(919) 733-5655



40th Senate District

Joyce Waddell (D)

Joyce.Waddell@ncleg.net

[General Assembly Webpage](#)

Legislative Assistant: Jyritya Moore

Raleigh Address:

1113 Legislative Building

16 W. Jones Street

Raleigh, NC 27601-2808

(919) 733-5650

Local Address:

8105-251 Old Concord Road

Newell, NC 28126

(919) 733-5650



41st Senate District

Jeff Tarte (R)

Jeff.Tarte@ncleg.net

[General Assembly Webpage](#)

Legislative Assistant: Jan Copeland

Raleigh Address:

623 Legislative Office Building

300 N. Salisbury Street

Raleigh, NC 27603-5925

(919) 715-3050

Local Address:

19825 B North Cove Road

Cornelius NC 28031

(704) 765-6167



**2017 REGULAR SESSION OF THE NC GENERAL ASSEMBLY
MECKLENBURG STATE DELEGATION**

NC House

88th House District
Mary Belk (D)
Mary.Belk@ncleg.net
[General Assembly Webpage](#)
 Legislative Assistant: Ralph Belk

Raleigh Address:
 1424 Legislative Building
 16 W. Jones Street
 Raleigh, NC 27601-1096
 (919) 733-5607

Local Address:
 PO Box 3315
 Charlotte, NC 28233
 (980) 579-2800



92nd House District
Chaz Beasley (D)
Chaz.Beasley@ncleg.net
[General Assembly Webpage](#)
 Legislative Assistant: Michael Wilson

Raleigh Address:
 403 Legislative Office Building
 300 N. Salisbury Street
 Raleigh, NC 27603-5925
 (919) 733-5654

Local Address:
 11619 Hophornbeam Lane
 Charlotte, NC 28278
 (919) 733-5654



98th House District
John R. Bradford, III (R)
Deputy Majority Whip
John.Bradford@ncleg.net
[General Assembly Webpage](#)
 Legislative Assistant: Anita Spence

Raleigh Address:
 2123 Legislative Building
 16 W. Jones Street
 Raleigh, NC 27601-1096
 (919) 733-5828

Local Address:
 19825-B N Cove Rd.
 Suite 142
 Cornelius, NC 28031
 (704) 453-9348



99th House District
Rodney W. Moore (D)
Rodney.Moore@ncleg.net
[General Assembly Webpage](#)
 Legislative Assistant: Charmey Morgan

Raleigh Address:
 402 Legislative Office Building
 300 N. Salisbury Street
 Raleigh, NC 27603-5925
 (919) 733-5606

Local Address:
 P. O. Box 44107
 Charlotte, NC 28215
 (704) 449-6201



100th House District
John Autry (D)
John.Autry@ncleg.net
[General Assembly Webpage](#)
 Legislative Assistant: Tina Riley-Humphrey

Raleigh Address:
 1019 Legislative Building
 16 W. Jones Street
 Raleigh, NC 27601-1096
 (919) 715-0706

Local Address:
 PO Box 189113
 Charlotte, NC 28218
 (704) 537-2735



101st House District
Beverly M. Earle (D)
Beverly.Earle@ncleg.net
[General Assembly Webpage](#)
 Legislative Assistant: Ann Raeford

Raleigh Address:
 514 Legislative Office Building
 300 N. Salisbury Street
 Raleigh, NC 27603-5925
 (919) 715-2530

Local Address:
 230 Kingsway Circle
 Charlotte, NC 28214
 (704) 391-1500



**2017 REGULAR SESSION OF THE NC GENERAL ASSEMBLY
MECKLENBURG STATE DELEGATION**

NC House (cont.)

102nd House District

Becky Carney (D)

Becky.Carney@ncleg.net

[General Assembly Webpage](#)

Legislative Assistant: Beth LeGrande

Raleigh Address:

1221 Legislative Building
16 W. Jones Street
Raleigh, NC 27601-1096
(919) 733-5827

Local Address:

P.O. Box 32873
Charlotte NC 28232
(919) 733-5827



103rd House District

William Brawley (R)

Bill.Brawley@ncleg.net

[General Assembly Webpage](#)

Legislative Assistant: Lynn Taylor

Raleigh Address:

534 Legislative Office Building
300 N. Salisbury Street
Raleigh, NC 27603-5925
(919) 733-5800

Local Address:

13612 O'Toole Drive
Matthews NC 28105
(704) 574-0894



104th House District

Andy Dulin (R)

Andy.Dulin@ncleg.net

[General Assembly Webpage](#)

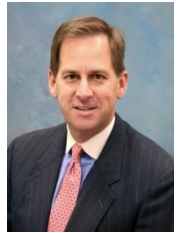
Legislative Assistant: Wanda Benson

Raleigh Address:

609 Legislative Office Building
300 N. Salisbury Street
Raleigh, NC 27603-5925
(919) 715-3009

Local Address:

3200 Wickersham Drive
Charlotte, NC 28211
(704) 968-8776



105th House District

Scott Stone (R)

Scott.Stone@ncleg.net

[General Assembly Webpage](#)

Legislative Assistant: Marissa Turner

Raleigh Address:

2213 Legislative Building
16 W. Jones Street
Raleigh, NC 27601-1096
(919) 733-5886

Local Address:

P. O. Box 79331
Charlotte, NC 28271
(919) 733-5886



106th House District

Carla D. Cunningham (D)

Carla.Cunningham@ncleg.net

[General Assembly Webpage](#)

Legislative Assistant: Sherrie Burnette

Raleigh Address:

1109 Legislative Building
16 W. Jones Street
Raleigh, NC 27601-1096
(919) 733-5807

Local Address:

1400 Sansberry Road
Charlotte NC 28262
(704) 509-2939



107th House District

Kelly M. Alexander, Jr. (D)

Kelly.Alexander@ncleg.net

[General Assembly Webpage](#)

Legislative Assistant: Marjorie H. Conner

Raleigh Address:

404 Legislative Office Building
300 N. Salisbury Street
Raleigh, NC 27603-5925
(919) 733-5778

Local Address:

1424 Statesville Avenue
Charlotte NC 28206
(704) 333-1167





CHARLOTTE™

2015-2017 MAYOR AND CITY COUNCIL

Jennifer W. Roberts

Mayor

mayor@charlottenc.gov

[Biography](#)

600 E. 4th Street
Charlotte, NC 28202
704-336-2246 (Office)
704-516-0619 (City Cell)



Vi Lyles

Mayor Pro Tem

vlyles@charlotenc.gov

[Biography](#)

600 E. 4th Street
Charlotte, NC 28202
704-336-3431 (Office)
704-574-7124 (City Cell)



Julie Eiselt

At-Large Representative

julie.eiselt@charlottenc.gov

[Biography](#)

600 E. 4th Street
Charlotte, NC 28202
704-336-4099 (Office)
704-576-0431 (City Cell)



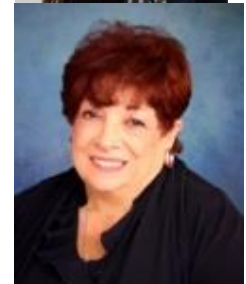
Claire Green Fallon

At-Large Representative

cfallon@charlottenc.gov

[Biography](#)

600 E. 4th Street
Charlotte, NC 28202
704-336-6105 (Office)
980-263-7849 (City Cell)



James Mitchell, Jr.

At-Large Representative

james.mitchell@charlottenc.gov

[Biography](#)

600 E. 4th Street
Charlotte, NC 28202
704-336-3430 (Office)
704-576-0429 (City Cell)



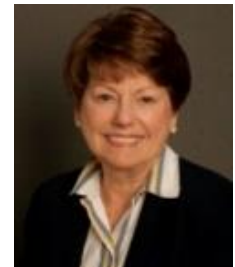
Patsy Kinsey

District 1 Representative

pkinsey@charlottenc.gov

[Biography](#)

600 E. 4th Street
Charlotte, NC 28202
704-336-3432 (Office)
704-351-7885 (City Cell)



Alvin "Al" Austin
District 2 Representative
aaustin@charlottenc.gov
[Biography](#)

600 E. 4th Street
Charlotte, NC 28202
704-336-3185 (Office)
704-621-6447 (City Cell)



LaWana Mayfield
District 3 Representative
lmayfield@charlottenc.gov
[Biography](#)

600 E. 4th Street
Charlotte, NC 28202
704-336-3435 (Office)
704-352-7305 (City Cell)



Gregory A. Phipps
District 4 Representative
gaphipps@charlottenc.gov
[Biography](#)

600 E. 4th Street
Charlotte, NC 28202
704-336-3436 (Office)
704-574-7226 (City Cell)



Dimple Ajmera
District 5 Representative
Dimple.Ajmera@charlottenc.gov
[Biography](#)

600 E. 4th Street
Charlotte, NC 28202
704-336-2777 (Office)



Kenny Smith
District 6 Representative
krsmith@charlottenc.gov
[Biography](#)

600 E. 4th Street
Charlotte, NC 28202
704-336-3433 (Office)
704-574-7241 (City Cell)



Edmund H. Driggs
District 7 Representative
edriggs@charlottenc.gov
[Biography](#)

600 E. 4th Street
Charlotte, NC 28202
704-432-7077 (Office)
704-574-7262 (City Cell)

